

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 1:16CR246
)	
PLAINTIFF,)	JUDGE SARA LIOI
)	
vs.)	
)	ORDER
KENNETH D. SMITH,)	
)	
)	
DEFENDANT.)	

This matter is before the Court upon Magistrate Judge George J. Limbert's Report and Recommendation that the Court ACCEPT Defendant Kenneth D. Smith's ("Defendant") plea of guilty and enter a finding of guilty against Defendant. (Doc. No. 20.)

On August 3, 2016, the government filed an Indictment against Defendant. (Doc. No. 1.) On August 30, 2016, the government filed a Superseding Indictment against Defendant. (Doc. No. 11.) On September 16, 2016, this Court issued an order assigning this case to Magistrate Judge Limbert for the purpose of receiving Defendant's guilty plea. (Doc. No. 17.)

On September 30, 2016, a hearing was held in which Defendant entered a plea of guilty to Counts 1 and 2 of the Superseding Indictment, charging him with Felon in Possession of a Firearm, in violation of 18 U.S.C. Section 922(g)(1), and with Distribution of a Controlled Substance, in violation of 18 U.S.C. Section 841(a)(1) & (b)(1)(B). Magistrate Judge Limbert received Defendant's guilty plea and issued a Report

and Recommendation ("R&R") recommending that this Court accept the plea and enter a finding of guilty. (Doc. No. 20.)

Neither party objected to the Magistrate Judge's R&R in the fourteen days after it was issued.

Upon *de novo* review of the record, the Magistrate Judge's R&R is ADOPTED. Specifically, the Court finds as follows: that the defendant is competent to enter a plea, that he understands his constitutional rights, that he is aware of the consequences of entering a plea, and that there is an adequate factual basis for the plea. The Court further finds that the plea was entered knowingly, intelligently, and voluntarily. Accordingly, the Defendant's plea of guilty is APPROVED.

Therefore, the Defendant is adjudged guilty of Counts 1 and 2 of the Superseding Indictment in violation of 18 U.S.C. Section 922(g)(1) and 21 U.S.C. Section 841(a)(1) & (b)(1)(B). The sentencing will be held on January 25, 2017 at 10:00 a.m.

IT IS SO ORDERED.

Dated: October 27, 2016



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE